

IN THE UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF NORTH CAROLINA

|    |                          |   |                               |
|----|--------------------------|---|-------------------------------|
| 1  |                          |   |                               |
| 2  | UNITED STATES OF AMERICA | ) | Winston-Salem, North Carolina |
| 3  |                          | ) | October 9, 2014               |
| 4  | vs.                      | ) |                               |
| 5  | HARRY LEE WICKER,        | ) |                               |
| 6  | Defendant.               | ) | Case No. 1:14CR39-4           |
| 7  | UNITED STATES OF AMERICA | ) |                               |
| 8  | vs.                      | ) |                               |
| 9  | KENNETH W. WHITE,        | ) |                               |
| 10 | Defendant.               | ) | Case No. 1:14CR39-5           |

TRANSCRIPT OF INITIAL APPEARANCE  
BEFORE THE HONORABLE JOI ELIZABETH PEAKE  
UNITED STATES MAGISTRATE JUDGE

APPEARANCES:

|    |                     |                                     |
|----|---------------------|-------------------------------------|
| 16 | For the Government: | ROB LANG, AUSA                      |
| 17 |                     | Office of the U.S. Attorney         |
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| 19 |                     | Winston-Salem, North Carolina 27101 |
| 20 | For the Defendant:  | MELISSA HILL, ESQUIRE               |
| 21 | (Wicker)            | Tharrington Smith                   |
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| 23 |                     | Raleigh, NC 27602-1151              |
| 24 | For the Defendant:  | LISA S. COSTNER, ESQUIRE            |
| 25 | (White)             | 200 Brookstown Ave., Ste. 304       |
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|    |                     | 336-748-1885                        |

## I N D E X

WITNESSES: GOVERNMENT

None

WITNESSES: DEFENDANT

None

EXHIBITS:

MARKED

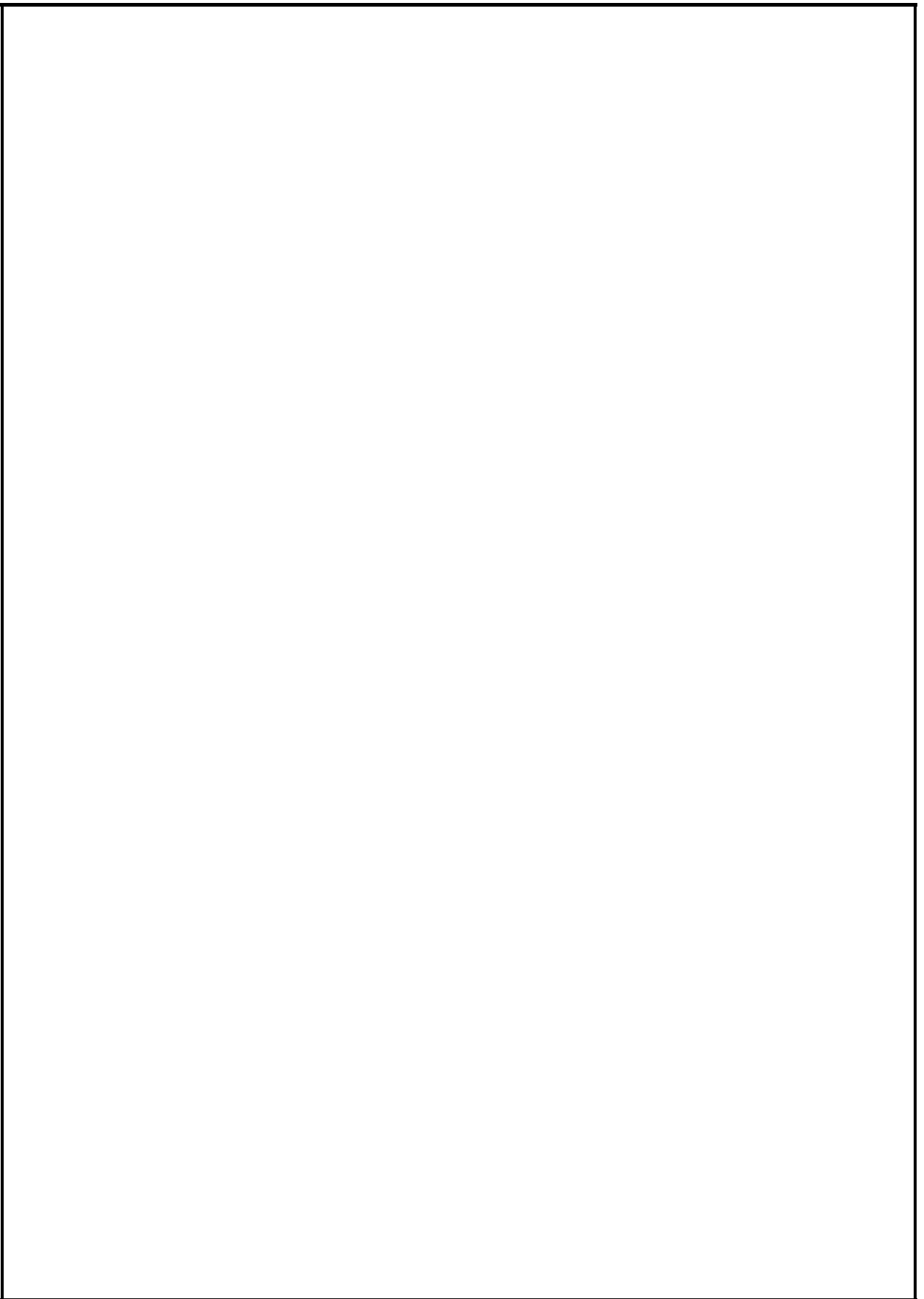
RCVD

None

Court Reporter: Joseph B. Armstrong, RMR, FCRR  
324 W. Market, Room 101  
Greensboro, NC 27401

Proceedings typed from audio recording.  
(Transcriber, Sharon L. Armstrong.)

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P R O C E E D I N G S

(Defendants present.)

MR. LANG: Your Honor, the next two matters would be back to the initial appearance. We're going to call those at the same time.

THE COURT: All right.

MR. LANG: That would be United States versus Harry Lee Wicker, Jr., 1:14CR39-4. Your Honor, he is represented by Melissa Hill this afternoon. The next matter, the companion case, is United States versus Kenneth Wayne White, 1:14CR39-5. Your Honor, Mr. White is represented by Lisa Costner this afternoon.

THE COURT: All right. Good afternoon.

MS. HILL: Good afternoon.

THE COURT: Good afternoon, Ms. Costner.

MS. COSTNER: Good afternoon, Your Honor.

THE COURT: All right. And let me ask first, Ms. Hill, are you entering a general appearance in this case then for Mr. Wicker?

MS. HILL: Yes, sir -- yes, ma'am. We have filed a notice of appearance, I believe.

THE COURT: All right.

MS. HILL: Wade Smith and I are representing him.

THE COURT: Okay, very good. And to the extent that's not already yet reflected in the docket, I'll just ask

1 the clerk to make sure and note the entry of general  
2 appearance. And then as to Mr. White, Ms. Costner, are you  
3 entering a general appearance in this case?

4 MS. COSTNER: Yes, Your Honor, and I also filed a  
5 notice yesterday.

6 THE COURT: All right. Very good. All right. Then  
7 as to both Mr. Wicker and Mr. White, what I intend to do is go  
8 ahead and proceed first with the initial appearance advising,  
9 and then we can take up the question of conditions of release.

10 Mr. Wicker and Mr. White, could you stand up for me,  
11 please. And Mr. Harry Lee Wicker, Jr.?

12 DEFENDANT WICKER: Yes, ma'am.

13 THE COURT: All right. And Kenneth W. White?

14 DEFENDANT WHITE: Yes, ma'am.

15 THE COURT: All right. Mr. Wicker and Mr. White,  
16 this matter is here for an initial appearance in a criminal  
17 proceeding. You are here because you've been charged with  
18 certain felonies, so I've got to review those charges with you,  
19 advise you of your rights, and then set some further  
20 proceedings in the case, and I'll give you a chance to ask any  
21 questions if you have any.

22 DEFENDANT WHITE: Thank you, Your Honor.

23 THE COURT: You have been arrested on a warrant  
24 issued in connection with a grand jury indictment. The grand  
25 jury indictment was returned on September the 30th, 2014,

1 charging you with felony offenses. Specifically, it charges  
2 each of you in certain of the counts of an 87-count indictment.  
3 Those charges as to both of you include Count One, which  
4 alleges a conspiracy with four objects:

5           Object 1, to defraud the United States by impairing  
6 and obstructing governmental functions of the Department of  
7 Labor, U.S. CIS, and the State Department.

8           Object 2, inducing aliens to come to the United  
9 States in violation of federal law.

10           Object 3, use of false and fraudulent means to obtain  
11 visas for entry into the United States by fraud.

12           And Object 4, engaging in monetary transactions in  
13 criminally-derived property greater than \$10,000.00.

14           And all of that is part of the conspiracy in  
15 violation of 8, United States Code, 1324(a)(1)(A)(vi), and 18  
16 USC 371, and aiding and abetting in violation of 18, United  
17 States Code, Section 2.

18           That's the allegation as to Count One. Is that your  
19 understanding, Ms. Hill and Ms. Costner; is that correct?

20           MS. HILL: Yes.

21           MS. COSTNER: Yes, Your Honor.

22           THE COURT: And then you are both charged as well in  
23 Counts Eleven through Sixteen with mail fraud, in violation of  
24 18, United States Code, 1341, based on an alleged scheme to  
25 defraud set out in the indictment, with aiding and abetting in

1 violation of 18, United States Code, Section 2.

2           And then as to Mr. Wicker, there's also the charge in  
3 Counts Forty-one through Sixty-four of engaging in monetary  
4 transactions in criminally-derived property of a value over  
5 \$10,000 in violation of 18, United States Code, 1957, or aiding  
6 and abetting in violation of 18, United States Code, Section 2.

7           Mr. White is not charged in Counts Forty-one through  
8 Sixty-four, but he is still charged instead in Count Sixty-five  
9 through Eighty-seven with the same violation, that is, engaging  
10 in monetary transactions in criminally-derived property of a  
11 value over \$10,000 in violation of 18, United States Code 1957,  
12 or aiding and abetting in violation of 18, United States Code,  
13 Section 2, with forfeiture allegations included as well.

14           I'll ask Ms. Hill and Ms. Costner, is that your  
15 understanding of all of the charges against your clients?

16           MS. COSTNER: Yes, Your Honor.

17           MS. HILL: Yes, Your Honor.

18           THE COURT: All right. And then Mr. Wicker, do you  
19 understand those are the charges against you in this case?

20           DEFENDANT WICKER: Yes, Your Honor.

21           THE COURT: And Mr. White, do you understand those  
22 are the charges against you?

23           DEFENDANT WHITE: Yes, Your Honor.

24           THE COURT: All right. With respect to those  
25 charges, you both have the right to remain silent. It means

1 you don't have to answer any questions that might be put to you  
2 either in the courtroom or outside the courtroom. If you do  
3 answer questions, your answers can be used against you. Even  
4 if you've already answered questions or made a statement, you  
5 don't have to say anything further; and if you do choose to  
6 answer questions or make a statement, you can choose to stop at  
7 any time. Do you both understand that?

8 DEFENDANT WICKER: Yes, Your Honor.

9 DEFENDANT WHITE: Yes, Your Honor.

10 THE COURT: You also have the right to be represented  
11 by an attorney. That means you have the right to retain  
12 counsel of your choosing, or, if you cannot afford an attorney,  
13 you can ask the Court to appoint an attorney for you at no cost  
14 to you. Do you both understand that?

15 DEFENDANT WICKER: Yes, Your Honor.

16 DEFENDANT WHITE: Yes, Your Honor.

17 THE COURT: All right. And then Mr. Wicker, you've  
18 retained Ms. Hill and Mr. Smith; is that correct?

19 DEFENDANT WICKER: Yes, Your Honor.

20 THE COURT: And Mr. White, you've retained  
21 Ms. Costner; is that correct?

22 DEFENDANT WHITE: Correct. Yes, Your Honor.

23 THE COURT: And so neither of you is asking the Court  
24 to appoint counsel; is that correct?

25 DEFENDANT WICKER: That's correct.



1           DEFENDANT WHITE:   Correct, Your Honor.

2           THE COURT:   All right.  I will just advise you then  
3 that if at any point you're unable to continue to afford  
4 counsel, you can always come to the Court to request  
5 appointment of counsel.  Do you understand that?

6           DEFENDANT WICKER:   Yes, Your Honor.

7           DEFENDANT WHITE:   Yes, Your Honor.

8           THE COURT:   All right.  I believe the only matter  
9 then remaining would be the question of release conditions.  
10 Mr. Lang, does that cover everything else we needed to cover  
11 today?

12          MR. LANG:   Yes, Your Honor.

13          THE COURT:   And is the Government moving for  
14 detention at all in this case?

15          MR. LANG:   We are not moving for detention, Your  
16 Honor.

17          THE COURT:   Is there a specific request?

18          MR. LANG:   Your Honor, Mr. Chut -- I've spoken with  
19 Mr. Chut, and I believe we're in agreement for some release  
20 conditions with an unsecured bond in the amount of 100,000.

21          THE COURT:   All right.  So it would be an unsecured  
22 bond of 100,000 and then any additional conditions that  
23 Probation may recommend; is that correct?

24          MR. LANG:   Correct.

25          THE COURT:   All right.  Before we proceed to that, I

1 will ask since counsel's here for both clients, would you want  
2 to go ahead and proceed with arraignment today, or do you want  
3 to wait and have that set over?

4 MS. COSTNER: I think we're prepared, Your Honor.

5 MS. HILL: We're prepared to proceed today.

6 THE COURT: All right. So I've gone over all of  
7 those charges. I'll ask each of you. Ms. Hill, have you had a  
8 chance to obtain a copy of the indictment and review that with  
9 Mr. Wicker?

10 MS. HILL: Yes, I have.

11 THE COURT: And Ms. Costner, have you had a chance to  
12 obtain a copy of the indictment and review that with Mr. White?

13 MS. COSTNER: I have, Your Honor.

14 THE COURT: And I've gone through all of the charges.  
15 Do you agree that those are the charges in this case as I've  
16 reviewed them thus far, Ms. Hill?

17 MS. HILL: Yes, ma'am.

18 THE COURT: And Ms. Costner?

19 MS. COSTNER: Yes, Your Honor.

20 THE COURT: All right. Do either of your clients  
21 have any questions about those charges? Ms. Hill?

22 MS. HILL: No, Your Honor.

23 THE COURT: Ms. Costner?

24 MS. COSTNER: None for the Court, Your Honor.

25 THE COURT: All right. And do your clients waive a

1 reading of the indictment, Ms. Hill?

2 MS. HILL: Yes, Your Honor.

3 MS. COSTNER: Yes, Your Honor.

4 THE COURT: All right. And how do each of them  
5 plead? For Mr. Wicker?

6 MS. HILL: Not guilty.

7 THE COURT: All right. And Ms. Costner?

8 MS. COSTNER: Not guilty.

9 THE COURT: All right. I'll ask the clerk to note  
10 entry of a plea of not guilty as to all of the charged counts.  
11 If you'll each then take two copies of the scheduling order  
12 there and make sure to go over that with your clients.

13 Mr. Wicker and Mr. White, that scheduling order sets  
14 out the dates and deadlines for when your case would be on the  
15 calendar for trial and the corresponding dates for pretrial  
16 motions, which means that those would be the deadlines for  
17 Ms. Hill and Ms. Costner to file any pretrial motions on your  
18 behalf. So it's important you work with them to make sure all  
19 of those dates and deadlines are met.

20 DEFENDANT WICKER: Thank you, Your Honor.

21 THE COURT: Both of you understand that? All right.  
22 All right. And then as to the question of release conditions,  
23 it appears the Government's requesting \$100,000 unsecured bond,  
24 and then the additional conditions, I can go over those. If  
25 there are any questions as to those, I'll go through those as

1 to each of them, but I'll ask, Ms. Hill, did you have any  
2 particular issues to raise as to the release conditions?

3 MS. HILL: I'd like to be heard on travel  
4 restrictions whenever you'd like to hear that.

5 THE COURT: All right. I'll go through those; and  
6 when we get to that section, then remind me, and I'll hear you  
7 on that.

8 MS. HILL: Yes, ma'am. Okay.

9 THE COURT: And Ms. Costner, anything else in  
10 particular as to the release conditions you need to raise?

11 MS. COSTNER: No, Your Honor.

12 THE COURT: All right. All right then. Mr. Wicker  
13 and Mr. White, at this point the Government has agreed to  
14 release conditions that include a \$100,000 unsecured bond as  
15 well as certain non-financial conditions that I'll go through  
16 with you. So what I intend to do is go through all of the  
17 conditions that would apply. If you have any questions, you  
18 can take a minute to talk to your attorney, or you can ask any  
19 questions you might have. I want to make sure you understand  
20 all of the conditions, and then you'll have a chance to sign  
21 your agreement to comply with those conditions before your  
22 release this afternoon. Do both of you understand that?

23 DEFENDANT WICKER: Yes, Your Honor.

24 DEFENDANT WHITE: Yes, Your Honor.

25 THE COURT: All right. And I think I'm going to do

1 these one at a time just to make sure that we have each  
2 condition and each of you understands them as we go through it.  
3 So Mr. Wicker, I'm going to start with you.

4           The first provision here would be an appearance bond.  
5 It is an appearance bond, an unsecured bond, of \$100,000. You  
6 agree that you will follow all of the orders of the Court, and  
7 you agree that bond can be forfeited if you fail to appear for  
8 court proceedings, if you fail to surrender for any sentence if  
9 you were convicted in the case, and if you fail to comply with  
10 any of the conditions of release set forth. Do you understand  
11 that?

12           DEFENDANT WICKER: I agree and understand, Your  
13 Honor.

14           THE COURT: All right. That would mean that if you  
15 failed to appear or failed to comply with any conditions, the  
16 Government could obtain a judgment against you for \$100,000.  
17 Do you understand that?

18           DEFENDANT WICKER: I understand, Your Honor.

19           THE COURT: You understand that? All right. The  
20 standard conditions of release would include you must not  
21 violate any federal, state, or local law while on release, you  
22 must cooperate in the collection of a DNA sample, and you must  
23 advise the Court or the pretrial services officer in writing  
24 before making any change of residence or telephone number. Do  
25 you understand that?

1           DEFENDANT WICKER: I agree and understand, Your  
2 Honor.

3           THE COURT: You must also appear in court as required  
4 and, if convicted, surrender as directed to serve any sentence  
5 that might be imposed. Do you understand?

6           DEFENDANT WICKER: I agree and understand.

7           THE COURT: The next appearance is not set yet, so it  
8 includes just a blank space on the front of this form. That's  
9 because the schedule is going to be as set out in that  
10 scheduling order. You just need to be in contact with Ms. Hill  
11 so you know when you next need to be in court. Do you  
12 understand that?

13           DEFENDANT WICKER: Thank you, Your Honor. I do  
14 understand.

15           THE COURT: All right. In addition, the  
16 non-financial conditions that have been recommended and that I  
17 would intend to impose, you must submit to supervision by and  
18 report for supervision to the U.S. Probation or Pretrial  
19 Services officer. That means that if they ask you to call in,  
20 you call in, or if they ask you to report, you report as  
21 directed.

22           DEFENDANT WICKER: I understand, Your Honor.

23           THE COURT: All right. You must surrender any  
24 passport to the pretrial services officer and not obtain any  
25 other passport or international travel document.

1           DEFENDANT WICKER: I understand, Your Honor.

2           THE COURT: All right. And let me ask about that.

3 Ms. Hill, do you have Mr. Wicker's passport yet at this point?

4           MS. HILL: Yes, we have his passport.

5           THE COURT: All right. And so you're prepared to be  
6 able to turn that over to the probation officer today?

7           MS. HILL: Yes, I am.

8           THE COURT: All right. As to the travel  
9 restrictions, what has been recommended is that your travel's  
10 restricted to the Middle District of North Carolina unless  
11 prior approval is obtained from the probation or pretrial  
12 services officer. And then, as I understand, there may be some  
13 question in this case as well as to attorney visits; is that  
14 correct, Ms. Hill?

15           MS. HILL: Yes, ma'am. We would ask that he be  
16 allowed to travel to the Eastern District to visit and work  
17 with his attorneys.

18           THE COURT: All right. Is there any other particular  
19 request you needed to --

20           MS. HILL: Yes, ma'am. He has two trips scheduled  
21 that are related to his work, and the U.S. Attorney's office,  
22 through Mr. Chut, has consented to his travel for those. One  
23 is to Boston to attend a symposium at Harvard University on  
24 November the 12th and 13th, and the second is also a business  
25 meeting in Dallas on December the 11th. And I believe the

1 U.S. -- the United States agrees that he should be allowed to  
2 travel to both, and we'd ask the Court's permission now.

3 THE COURT: Mr. Lang, is that correct?

4 MR. LANG: Mr. Chut has consented to that, Your  
5 Honor.

6 THE COURT: All right. What I'm going to do then is  
7 I'm not going to list those specifically in this release  
8 condition, but note that he can get prior approval from the  
9 pretrial officer for any of those trips as he raises them, and  
10 I'll ask the pretrial officer who's here to just specifically  
11 note for his supervising officer that he has agreement of the  
12 Government and the Court's approval as to those two particular  
13 trips.

14 MS. HILL: Thank you, Your Honor.

15 THE COURT: All right.

16 MS. HILL: Your Honor?

17 THE COURT: Yes, ma'am.

18 MS. HILL: Excuse me. May I ask if -- he may have  
19 other needs to travel for his work in the coming months. He  
20 probably will. Should we simply go through the probation  
21 officer or the pretrial services officer?

22 THE COURT: Yes. So the way it's worded now is that  
23 his travel's restricted to the Middle District unless he gets  
24 prior approval from the probation officer. So he would just  
25 need to get approval prior to taking the trip from the



1 probation officer. If there's any trip the probation officer  
2 has uncertainty about whether it's within the scope of what  
3 they can approve, then they'll let you know you need to file a  
4 motion with the Court.

5 MS. HILL: Okay.

6 THE COURT: So the probation officer has some measure  
7 of discretion there to make approvals. If there's something  
8 that they can't approve or are not in a position to be able to  
9 approve, you can always just file a separate motion on that.

10 MS. HILL: Thank you very much.

11 THE COURT: All right.

12 MS. HILL: And also for the Eastern District for  
13 attorney visits?

14 THE COURT: Yes. So what I'm going to do is it'll  
15 specifically say that the travel's restricted to the Middle  
16 District of North Carolina unless prior approval is obtained  
17 from the probation or pretrial services officer or for attorney  
18 visits. So I'll include that to the Eastern District.

19 MS. HILL: Thank you very much. That's great.

20 THE COURT: And then as far as the discretion of the  
21 probation officer, they have their ordinary discretion, and  
22 we've already indicated to them those two particular trips  
23 you've raised.

24 MS. HILL: Thank you.

25 THE COURT: All right. And I'll ask you, Mr. Wicker,

1 do you understand all of that we just covered as well?

2 DEFENDANT WICKER: Yes, Your Honor. Thank you.

3 THE COURT: All right. In addition, you must avoid  
4 all contact, directly or indirectly, with any person who is or  
5 may be a victim or witness in the investigation or prosecution,  
6 including all co-defendants. Do you understand that?

7 DEFENDANT WICKER: I understand, Your Honor.

8 THE COURT: Ms. Hill, is there any problem or reason  
9 he would need to have any contact with any co-defendants in  
10 this case?

11 MS. HILL: He works with several of the  
12 co-defendants, so he does have contact with them at work.

13 THE COURT: All right. Let me ask Mr. Lang, what's  
14 the Government's position as to that?

15 MR. LANG: Obviously, when we were agreeing to allow  
16 him to leave, and we know it's all in a work environment, I  
17 think --

18 THE COURT: That's contemplated.

19 MR. LANG: Yes. So only for, you know, contact for  
20 work-related business and not discussing this case. I'm not  
21 sure how we would enforce that, but to have no intimidation or  
22 inappropriate contact beyond the work.

23 THE COURT: And --

24 MS. HILL: We would very much agree with that idea.

25 THE COURT: All right. So right now I have the

1 condition as avoiding all contact, including as to all  
2 co-defendants. It sounds like that is not a condition that is  
3 feasible or practical. Mr. Lang, I'll ask you, do you want me  
4 just to strike that but note the general prohibition against  
5 intimidating a witness or otherwise obstructing an  
6 investigation?

7 MR. LANG: Or insert the word "all nonwork-related  
8 contact."

9 THE COURT: All right. How about "all co-defendants  
10 other than as needed for employment"?

11 MR. LANG: Yes.

12 THE COURT: All right. So Ms. Hill, it will now say:  
13 "Avoid all contact, directly or indirectly, with any person who  
14 is or may be a victim or witness in the investigation or  
15 prosecution, including all co-defendants other than as needed  
16 for employment." Is that --

17 MS. HILL: That's fine. Thank you, Your Honor.

18 THE COURT: All right. And Mr. Wicker, do you  
19 understand that condition as well?

20 DEFENDANT WICKER: Yes, Your Honor. Thank you.

21 THE COURT: All right. In addition, you must not  
22 possess a firearm, destructive device, or other weapon. That  
23 means anywhere at the residence where you're living, any  
24 vehicle that you're in, any place at your place of employment.  
25 Do you understand that?

1           DEFENDANT WICKER: I understand. Thank you, Your  
2 Honor.

3           THE COURT: And I'll ask you, do you have a firearm  
4 at your residence?

5           DEFENDANT WICKER: I do not have a firearm at my  
6 residence.

7           THE COURT: All right. And then finally, you must  
8 report as soon as possible to the pretrial services office or  
9 officer in writing any contact with law enforcement personnel,  
10 including arrests, questioning, or traffic stops. That means  
11 even if you're just pulled over for a warning or questioning,  
12 you need to let the probation officer know about that.

13           DEFENDANT WICKER: I will, Your Honor. Thank you.

14           THE COURT: All right. That would be the extent of  
15 the conditions that I have as proposals from the pretrial  
16 officer. Let me ask Pretrial if that's all the conditions you  
17 would propose in this case?

18           PRETRIAL OFFICER: Yes, Your Honor.

19           THE COURT: And Mr. Lang, anything else you're  
20 requesting?

21           MR. LANG: No, Your Honor.

22           THE COURT: And Ms. Hill, any objection or question  
23 as to any of those we've gone over?

24           MS. HILL: No, Your Honor. Thank you.

25           THE COURT: All right. All right. Then, Mr. Wicker,

1 there's certain warnings I need to go over with you in  
2 connection with release conditions. As I indicated previously,  
3 if you fail to appear or fail to comply with conditions  
4 imposed, the Government could obtain a \$100,000 judgment  
5 against you. Do you understand that?

6 DEFENDANT WICKER: I understand, Your Honor.

7 THE COURT: If you violate any of the conditions of  
8 release I've just set, a warrant could be issued for your  
9 arrest, your release could be revoked, and you could be  
10 prosecuted for contempt of court.

11 I also advise if you commit another felony or  
12 misdemeanor offense while you're on release, your sentence, if  
13 you're convicted of that offense, could be substantially  
14 increased because you're on pretrial release, and you could  
15 receive as punishment an additional prison term of up to 10  
16 years for a felony and up to one year for a misdemeanor that  
17 would be consecutively served as to any sentence you might  
18 receive for the present offense. Do you understand that?

19 DEFENDANT WICKER: I understand, Your Honor.

20 THE COURT: I advise you it's a federal offense  
21 punishable by up to 10 years in prison to obstruct a criminal  
22 investigation or retaliate against a witness, victim,  
23 informant, or officer of the Court. I also advise you it's a  
24 separate criminal offense to fail to appear, which could result  
25 in a separate conviction and consecutive sentence. Do you

1 understand that?

2 DEFENDANT WICKER: I understand, Your Honor.

3 THE COURT: All right. And Ms. Hill, I'll ask you  
4 then, anything else we need to cover in terms of conditions of  
5 release or any questions?

6 MS. HILL: No, no questions. Nothing else. Thank  
7 you.

8 THE COURT: All right. Mr. Wicker, do you have any  
9 questions about any of those things?

10 DEFENDANT WICKER: No, Your Honor. Thank you.

11 THE COURT: All right. What I have is two orders  
12 setting conditions of release. It just goes through all of  
13 those conditions that I've just gone over with you as well as  
14 those potential penalties. It notes that you're acknowledging  
15 you're the defendant and are aware of the conditions of  
16 release, that you promise to obey all conditions, to appear as  
17 directed, to surrender to serve any sentence imposed, and that  
18 you're aware of the penalties and sanctions that are set forth.  
19 Ms. Hill, if you could assist with that.

20 MS. HILL: Thank you.

21 THE COURT: All right. Thank you.

22 MS. HILL: May I approach, Your Honor?

23 THE COURT: Yes, ma'am. I also have the bond here as  
24 well.

25 MS. HILL: May I approach?

1           THE COURT: Yes, ma'am. Thank you. All right?  
2 Mr. Wicker, I've approved the bond and entered the order that  
3 you be released after processing. We'll let the clerk review  
4 those and make sure we have everything we need.

5           DEFENDANT WICKER: Thank you, Your Honor.

6           THE COURT: All right, thank you. I'll note again,  
7 any further proceedings have not yet been set, so you need to  
8 make sure you know when you next need to be in court.

9 Mr. Lang, anything else as to Mr. Wicker?

10          MR. LANG: No, Your Honor.

11          THE COURT: All right. You just need to wait and  
12 meet with the probation office before you leave.

13          MS. HILL: Thank you, Your Honor.

14          THE COURT: All right. Then as to Mr. White. All  
15 right. And Ms. Costner, I believe there's also a  
16 recommendation for a \$100,000 unsecured bond in this case. Is  
17 that your understanding as well?

18          MS. COSTNER: Yes, Your Honor, it is.

19          THE COURT: And then certain non-financial conditions  
20 as well, including a restriction on travel and other standard  
21 conditions otherwise suggested by the Pretrial Office; is that  
22 correct?

23          MS. COSTNER: Yes, Your Honor. We do have one  
24 question about travel whenever the time is appropriate.

25          THE COURT: All right. What I'll do is go ahead and

1 go through those conditions. When we get to that, we can take  
2 that up as well.

3 MS. COSTNER: Thank you, Your Honor.

4 THE COURT: All right. So Mr. White, the Government  
5 has agreed to release on conditions, and the probation office  
6 has recommended certain conditions in this case, including a  
7 \$100,000 unsecured bond. Now, that bond indicates that you  
8 agree to follow every order of the Court and agree that the  
9 bond would be forfeited if you failed to appear, if you were  
10 convicted, if you failed to surrender to serve any sentence,  
11 and/or if you failed to comply with any of the conditions set  
12 forth in the conditions of release. Do you understand that?

13 DEFENDANT WHITE: Yes, Your Honor.

14 THE COURT: So if you fail to appear or violate any  
15 conditions, the Government could obtain a judgment against you  
16 for \$100,000. Do you understand that?

17 DEFENDANT WHITE: Yes, Your Honor.

18 THE COURT: In addition, there are some standard  
19 conditions of release that apply in every case. First, that  
20 you must not violate any federal, state, or local law while on  
21 release. You must cooperate in the collection of a DNA sample.  
22 You must advise the Court or the pretrial services officer in  
23 writing before making any change of residence or telephone  
24 number, and you must appear in court as required, and, if  
25 convicted, surrender as directed to serve any sentence that



1 might be imposed. Do you understand that?

2 DEFENDANT WHITE: Yes, Your Honor.

3 THE COURT: I will tell you, your next appearance,  
4 there is not a specific day and time set because it's going to  
5 be according to that scheduling order that you were given. So  
6 it's important that you stay in touch with Ms. Costner and make  
7 sure you know when you next need to be in court, when the next  
8 proceeding is set.

9 DEFENDANT WHITE: Yes, Your Honor.

10 THE COURT: All right. The additional conditions in  
11 this case would be, first, that you submit to supervision by  
12 and report for supervision to the probation or pretrial  
13 services officer. That means that you call in if they ask you  
14 to call in or report if they ask you to report as directed.

15 DEFENDANT WHITE: Yes, Your Honor.

16 THE COURT: In addition, you surrender any passport  
17 to the probation or pretrial services officer and not obtain  
18 any passport or other new international travel document. I'll  
19 ask if you understand that as well.

20 DEFENDANT WHITE: Yes, Your Honor.

21 THE COURT: And Ms. Costner, do you have his  
22 passport?

23 MS. COSTNER: I do, Your Honor.

24 THE COURT: All right. So that's ready to be turned  
25 in to the probation office today; is that correct?

1 MS. COSTNER: Yes, Your Honor.

2 THE COURT: All right. Then the next condition would  
3 be that your travel's restricted to the Middle District of  
4 North Carolina unless prior approval is obtained from the  
5 probation or pretrial services officer. Ms. Costner, is there  
6 something you wanted to be heard on that?

7 MS. COSTNER: Yes, Your Honor. Mr. White has plans  
8 to travel to Ashe County this weekend just as a family trip and  
9 wanted to know if he could have permission to do that or if he  
10 needs to just speak with U.S. Probation about it.

11 THE COURT: All right, let me -- Mr. Lang, do you  
12 have any --

13 MR. LANG: No, Your Honor.

14 THE COURT: You don't object to that? All right.  
15 What I would do then, I'm not going to note that specifically  
16 on the conditions of release, but I would just ask the pretrial  
17 officer to note for his supervising officer that he's asked  
18 about that and the Government and the Court have agreed to that  
19 request at this point.

20 MS. COSTNER: Thank you.

21 DEFENDANT WHITE: Thank you, Your Honor.

22 THE COURT: As for any future travel requests,  
23 Mr. White, as I indicated earlier, you can ask the probation or  
24 pretrial services officer as to any request or need you might  
25 have to travel. If that becomes something that's outside of

1 what they're able to approve, then you can file a motion or  
2 Ms. Costner can file a motion on your behalf asking for  
3 approval of the Court for some modification on that.

4 DEFENDANT WHITE: I understand, Your Honor.

5 THE COURT: All right. In addition, there's the  
6 restriction that you avoid all contact, directly or indirectly,  
7 with any person who is or may be a victim or witness in the  
8 investigation or prosecution, including all co-defendants.  
9 I'll ask you, Ms. Costner, does the same issue arise in this  
10 case as well? Is Mr. White still employed with some of the  
11 co-defendants?

12 MS. COSTNER: Yes, Your Honor, he is, and it would  
13 present the same issue.

14 THE COURT: So we could modify that to say, "all  
15 co-defendants other than as needed regarding employment"?

16 DEFENDANT WHITE: Yes.

17 MS. COSTNER: Yes, Your Honor, that's fine.

18 THE COURT: All right. All right. And I'll ask  
19 Mr. White, you understand that condition then in this case?

20 DEFENDANT WHITE: Yes, Your Honor.

21 THE COURT: In addition, you must not possess a  
22 firearm, destructive device, or other weapon. That means  
23 anywhere in the house where you're living, any vehicle you're  
24 in, any place at your place of employment, any place you might  
25 have access to. Do you understand that?

1           DEFENDANT WHITE: Yes, Your Honor, I understand.

2           THE COURT: Do you have any firearms at your home?

3           DEFENDANT WHITE: No, Your Honor.

4           THE COURT: All right. And then finally, you must  
5 report as soon as possible to the pretrial services officer any  
6 contact with law enforcement personnel, including arrests,  
7 questioning, or traffic stops. So even if it's just a  
8 questioning or a traffic stop, any kind of contact with law  
9 enforcement, you just need to let the probation officer know  
10 about that.

11           DEFENDANT WHITE: I understand, Your Honor.

12           THE COURT: All right. That would be the conditions  
13 that I have. I'll ask the pretrial officer if that covers  
14 everything that you had requested.

15           PRETRIAL OFFICER: Yes, Your Honor.

16           THE COURT: Mr. Lang, anything else the Government's  
17 requesting in this case?

18           MR. LANG: No, Your Honor.

19           THE COURT: And Ms. Costner, any objections or  
20 anything else you needed to add on that?

21           MS. COSTNER: No, Your Honor.

22           THE COURT: All right, Mr. White, do you understand  
23 all of those conditions I've gone over with you?

24           DEFENDANT WHITE: Yes, I do, Your Honor.

25           THE COURT: I need to give you certain warnings in

1 connection with that release. If you fail to appear or fail to  
2 comply with conditions imposed, the Government could obtain a  
3 \$100,000 judgment against you. Do you understand that?

4 DEFENDANT WHITE: Yes, Your Honor.

5 THE COURT: If you violate any of the conditions of  
6 release I've just set, a warrant could be issued for your  
7 arrest, your release could be revoked, and you could be  
8 prosecuted for contempt of court. I also advise if you commit  
9 another felony or misdemeanor offense while you're on release,  
10 your sentence, if you are convicted of that offense, could be  
11 substantially increased because of the fact that you're on  
12 pretrial release, and you could receive as punishment an  
13 additional prison term of up to 10 years for a felony, and up  
14 to one year for a misdemeanor, running consecutively to any  
15 sentence you might receive for the present offense. Do you  
16 understand that?

17 DEFENDANT WHITE: I understand, Your Honor.

18 THE COURT: I advise you it's a federal offense  
19 punishable by up to 10 years in prison to obstruct a criminal  
20 investigation or retaliate against a witness, victim, informant  
21 or officer of the court. It's also a separate criminal offense  
22 to fail to appear, which could result in a separate conviction  
23 and consecutive sentence. Do you understand that?

24 DEFENDANT WHITE: Yes, Your Honor.

25 THE COURT: All right. What I have here is two

1 copies of the order setting conditions of release. It just  
2 includes the written version of all I've just gone over with  
3 you, including the penalties I've just included, and it notes  
4 here that you acknowledge that you are the defendant in this  
5 case, that you are aware of the conditions of release, that you  
6 promise to obey all conditions of release and appear as  
7 directed, and surrender to serve any sentence imposed, and that  
8 you are aware of the penalties and sanctions set out above.

9 DEFENDANT WHITE: Yes, Your Honor.

10 THE COURT: All right. I have two copies of that.  
11 One of those copies will be for you after it's been entered by  
12 the Court as well as the appearance bond. Ms. Costner, can you  
13 assist with that?

14 MS. COSTNER: Thank you.

15 THE COURT: All right. Mr. White, I have approved  
16 the bond and signed the order setting those conditions of  
17 release and that you be released after further processing with  
18 the clerk --

19 DEFENDANT WHITE: Thank you, Your Honor.

20 THE COURT: Thank you. You'll need to make sure you  
21 follow all those conditions. Make sure you appear. You need  
22 to know from Ms. Costner when you next need to be in court, and  
23 you'll need to stay here today until you've had a chance to  
24 speak to the probation officer, and they've gotten all the  
25 information they need.

1           DEFENDANT WHITE: I understand, Your Honor. Thank  
2 you.

3           THE COURT: All right. Anything else, Ms. Costner?

4           MS. COSTNER: No, Your Honor.

5           THE COURT: All right. Anything else, Mr. Lang?

6           MR. LANG: No, Your Honor.

7           THE COURT: All right. Thank you.

8           (Proceedings concluded.)

9                           \* \* \* \* \*

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11                           C E R T I F I C A T E

12           I certify that the foregoing is a correct transcript  
13 from the proceedings in the above-entitled matter.

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15           Date: 06/02/2015

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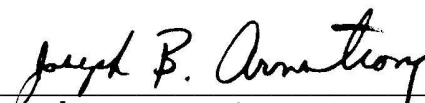
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